

FREEDOM *of* CONSCIENCE

DEFENSE FUND

CHARLES S. LiMANDRI*
PAUL M. JONNA

TERESA L. MENDOZA
JEFFREY M. TRISSELL

*BOARD CERTIFIED CIVIL TRIAL ADVOCATE
ADMITTED TO THE CALIFORNIA BAR
ADMITTED TO THE DISTRICT OF COLUMBIA BAR
ADMITTED TO THE NEW YORK BAR
ADMITTED TO THE U.S. SUPREME COURT

POST OFFICE BOX 9520
RANCHO SANTA FE, CA 92067
TELEPHONE: (858) 759-9948
FACSIMILE: (858) 759-9938

WEBSITE: www.fcdfllegal.org

PHYSICAL ADDRESS:

16236 SAN DIEGUITO ROAD
BUILDING 3, SUITE 3-15
RANCHO SANTA FE, CA 92091

KATHY DENWORTH
Office Administrator

December 12, 2017

Hon. Donna M. Ryu
U.S. District Court, Northern District of California
San Francisco Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Exhibits filed in Support of Defendant the Center for Medical Progress's Motion to Compel in *Planned Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*, Case No. 3:16-cv-0236-WHO

Your Honor:

Pursuant to the Court's order of December 11, 2017, requiring "the party moving to compel further responses to discovery [to] file the discovery responses at issue", Defendant the Center for Medical Progress has attached hereto Plaintiffs' Amended Response to Defendants' (David Daleiden, Center for Medical Progress, and BioMax Procurement Services) Requests for Production of Documents (Set One).

Sincerely,

FREEDOM OF CONSCIENCE DEFENSE FUND



Charles S. LiMandri

ATTACHMENT

1 AMY L. BOMSE (No. 218669)
2 SHARON D. MAYO (No. 150469)
3 JEE YOUNG YOU (No. 241658)
4 ARNOLD & PORTER LLP
5 Three Embarcadero Center, 10th Floor
6 San Francisco, California 94111-4024
7 Telephone: (415) 471-3100
8 Facsimile: (415) 471-3400
9 Email: amy.bomse@aporter.com
10 sharon.mayo@aporter.com
11 jeeyoung.you@aporter.com

12 Attorneys for Plaintiffs

BETH H. PARKER (No. 104773)
PLANNED PARENTHOOD AFFILIATES OF
CALIFORNIA

551 Capitol Mall, Suite 510
Sacramento, California 95814-4581
Telephone: (916) 446-5247
Email: beth.parker@ppacca.org

HELENE T. KRASNOFF (*pro hac vice*)
PLANNED PARENTHOOD FEDERATION OF
AMERICA

1110 Vermont Avenue, NW, Suite 300
Washington, DC 20005
Telephone: (202) 973-4800
Email: helene.krasnoff@ppfa.org

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 PLANNED PARENTHOOD FEDERATION OF
14 AMERICA, INC., PLANNED PARENTHOOD:
15 SHASTA-DIABLO, INC. dba PLANNED
16 PARENTHOOD NORTHERN CALIFORNIA;
17 PLANNED PARENTHOOD MAR MONTE, INC.;
18 PLANNED PARENTHOOD OF THE PACIFIC
19 SOUTHWEST; PLANNED PARENTHOOD LOS
20 ANGELES; PLANNED PARENTHOOD/ORANGE
21 AND SAN BERNARDINO COUNTIES, INC.;
22 PLANNED PARENTHOOD OF SANTA BARBARA,
23 VENTURA AND SAN LUIS OBISPO COUNTIES,
24 INC.; PLANNED PARENTHOOD PASADENA AND
25 SAN GABRIEL VALLEY, INC.; PLANNED
26 PARENTHOOD OF THE ROCKY MOUNTAINS;
27 PLANNED PARENTHOOD GULF COAST; and
28 PLANNED PARENTHOOD CENTER FOR CHOICE

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS; BIOMAX
PROCUREMENT SERVICES, LLC; DAVID
DALEIDEN (aka "ROBERT SARKIS"); TROY
NEWMAN; ALBIN RHOMBERG; PHILLIP S.
CRONIN; SANDRA SUSAN MERRITT (aka "SUSAN
TENNENBAUM"); GERARDO ADRIAN LOPEZ; and
UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFFS' AMENDED
RESPONSE TO DEFENDANTS'
(DAVID DALEIDEN, CENTER FOR
MEDICAL PROGRESS, AND
BIOMAX PROCUREMENT
SERVICES) REQUESTS FOR
PRODUCTION OF DOCUMENTS
(SET ONE)**

1 PROPOUNDING PARTIES: Defendants David Daleiden, The Center For Medical Progress,
2 and BioMax Procurement Services
3 RESPONDING PARTIES: Plaintiffs Planned Parenthood Federation of America, Inc.
4 ("PPFA"); Planned Parenthood: Shasta-Diablo, Inc. dba Planned
5 Parenthood Northern California; Planned Parenthood Mar Monte,
6 Inc.; Planned Parenthood of the Pacific Southwest; Planned
7 Parenthood Los Angeles; Planned Parenthood/Orange and San
8 Bernardino Counties, Inc.; Planned Parenthood of Santa Barbara,
9 Ventura and San Luis Obispo Counties, Inc.; Planned Parenthood
10 Pasadena and San Gabriel Valley, Inc.; Planned Parenthood of the
11 Rocky Mountains; Planned Parenthood Gulf Coast; and Planned
12 Parenthood Center for Choice (collectively "Plaintiffs")
13 SET NUMBER: ONE (Nos. 1 - 49)

14 Pursuant to Federal Rules of Civil Procedure 26 and 34 and the Local Civil Rules of the
15 United States District Court for the Northern District of California, Plaintiffs Planned Parenthood
16 Federation Of America, Inc.; Planned Parenthood: Shasta-Diablo, Inc. dba Planned Parenthood
17 Northern California; Planned Parenthood Mar Monte, Inc.; Planned Parenthood Of The Pacific
18 Southwest; Planned Parenthood Los Angeles; Planned Parenthood/Orange And San Bernardino
19 Counties, Inc.; Planned Parenthood Of Santa Barbara, Ventura And San Luis Obispo Counties,
20 Inc.; Planned Parenthood Pasadena And San Gabriel Valley, Inc.; Planned Parenthood Of The
21 Rocky Mountains; Planned Parenthood Gulf Coast; and Planned Parenthood Center For Choice
22 (collectively "Plaintiffs") hereby object and respond to Defendants' (David Daleiden, Center For
23 Medical Progress, and BioMax Procurement Services) Requests For Production Of Documents
24 (Set One) (the "Requests"), served by Defendants David Daleiden, Center For Medical Progress,
25 and BioMax Procurement Services (collectively "Defendants") on Plaintiffs on April 8, 2016.

26 PRELIMINARY STATEMENT

27 Plaintiffs provide these objections and responses based upon the investigation conducted in
28 the time available since service of the Requests. As of the date of these objections and responses,
Plaintiffs have not had a sufficient opportunity to review all documents, interview all personnel
and/or otherwise obtain information that may prove relevant in objecting and responding the
Requests. As a consequence, these objections and responses are based upon information now
known to Plaintiffs and that Plaintiffs believe to be pertinent in objecting and responding to the

1 Requests. In the future, Plaintiffs may discover or acquire additional information bearing on the
2 Requests, and Plaintiffs' objections and responses thereto. Without in any way obligating itself to
3 do so, Plaintiffs reserve the right: (a) to make subsequent revisions or amendments to its
4 objections or these Responses based upon information, evidence, documents, facts and/or other
5 things that hereafter may be discovered, or the relevance of which may hereafter be discovered;
6 and (b) to produce, introduce, or rely upon additional or subsequently acquired or discovered
7 writings, evidence and information in any proceedings or at any trial held hereafter.

8 Further, any response by Plaintiffs to a particular Request is not intended, and shall not be
9 construed, as an admission of the existence of any fact, of any assertion, or of any other matters
10 expressed or implied in the Request. Plaintiffs' objection to, or failure to object to, any particular
11 Request is not, and shall not be construed as, an admission that responsive information exists.
12 Moreover, Plaintiffs' decision to consent to the production of information pursuant to any specific
13 Request, notwithstanding the objectionable nature of any such Request, or its related definitions or
14 instructions, also should not be construed as: (a) a stipulation that the material is relevant to any
15 proceeding, (b) a waiver of the general or specific objections asserted to the Request, or (c) an
16 agreement that future requests for similar information will be treated in a similar manner. Subject
17 to and without waiving these objections, Plaintiffs agree to meet and confer with Defendants to
18 attempt to resolve these objections and appropriately narrow the scope of these Requests.

19 Plaintiffs incorporate this Preliminary Statement into each objection and response below as
20 if set forth in its entirety.

21 **GENERAL OBJECTIONS**

22 Plaintiffs make the following General Objections, which are expressly incorporated into
23 each of the Objections to the Definitions, Instructions, and Specific Requests below as though set
24 forth in full and without waiving these General Objections:

25 1. Plaintiffs object that the Requests are overly broad and unduly burdensome, and
26 that the relevance, if any, of the requested information is outweighed by the burden that
27 compliance would place on Plaintiffs.

1 2. Plaintiffs object that the Requests seek documents that are non-public and
2 confidential or highly confidential, and which contain proprietary and confidential business and
3 financial information, including information constituting or pertaining to personnel information
4 and/or other competitively sensitive research, development, and other commercial information.
5 Disclosure of such information would be harmful to Plaintiffs' legitimate business interests.
6 Plaintiffs will provide confidential information and documents solely in accordance with the terms
7 of a suitable Protective Order.

8 3. Plaintiffs object that the Requests call for the production of materials previously
9 produced pursuant to, and protected by, protective orders and/or confidentiality agreements
10 entered in prior litigations or investigations. Plaintiffs will comply with those protective orders
11 and/or confidentiality agreements in responding to the Requests.

12 4. Plaintiffs further object that Defendants have failed to take reasonable steps to
13 avoid imposing undue burden or expense on Plaintiffs, particularly with respect to overbroad
14 requests that seek "all documents" relating to certain subjects.

15 5. Plaintiffs object that the Requests call for the production of materials covered by
16 non-disclosure and/or confidentiality agreements with third-parties and/or would violate the
17 privacy interests of others. Plaintiffs will produce such materials only after providing notice and
18 opportunity for such third-parties to object, or pursuant to the terms of a suitable protective order
19 if such notice and opportunity to object has already been provided.

20 6. Plaintiffs object that the Requests seek information that is available through less
21 burdensome means of discovery or other sources in that the information requested is: (a) in the
22 possession, custody or control of other parties or non-parties; and/or (b) publicly available or
23 otherwise equally available to Defendants. Plaintiffs will provide responses only to the extent that
24 such information is in the possession, custody or control of Plaintiffs.

25 7. Plaintiffs object to the Requests to the extent that they are vague, ambiguous,
26 oppressive, designed to annoy or harass, do not describe the Documents to be produced with
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1 reasonable particularity, impose on Plaintiffs an unreasonable burden of inquiry, or require
2 Plaintiffs to incur substantial expense in order to comply.

3 8. Plaintiffs object to the Requests to the extent that they call for the production of
4 materials that are not relevant to the subject matter of this action, not relevant to a claim or defense
5 of any party to this action, or not reasonably calculated to lead to the discovery of admissible
6 evidence.

7 9. Plaintiffs object that the Requests do not contain any assurance that Plaintiffs will
8 be compensated for any of the costs, including attorneys' fees, they will incur in responding.

9 10. Plaintiffs object that the Requests seek information protected from disclosure by
10 the attorney-client privilege, the attorney work-product doctrine, and/or other privileges,
11 immunities, and legal protections against disclosure. Nothing contained herein is intended to be,
12 nor shall in any way be construed as, a waiver of any attorney-client privilege, work-product
13 doctrine, right to privacy, or any other applicable privilege, doctrine, law, immunity, or rule
14 protecting information from disclosure. To the extent that Plaintiffs produce documents in
15 response to the Requests, such production is not intended to waive any privilege, right to privacy,
16 or other applicable protection with respect to any document produced. Pursuant to Fed. R. Evid.
17 502(d), in the event that a privileged or otherwise protected document is inadvertently produced
18 by Plaintiffs, such production shall be deemed inadvertent and shall not constitute a waiver of
19 Plaintiffs' rights to assert the applicability of any privilege for such document. Plaintiffs reserve
20 the right to demand the return of any such document and all copies thereof.

21 11. Plaintiffs object that the Requests purport to impose requirements, burdens, and/or
22 discovery obligations that exceed those permitted by the Federal Rules of Civil Procedure and
23 Judge Orrick's individual practices.

24 12. Plaintiffs object that the Requests are unreasonably cumulative or duplicative.

25 13. Plaintiffs object to the Requests to the extent that they purport to require Plaintiffs
26 to ascertain the knowledge, however limited or tangential, of each and every individual employed
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1 by Plaintiffs at every level of authority or responsibility, relating to the subject matter of these
2 Requests.

3 14. Plaintiffs object that the Requests are based on incorrect factual assertions and
4 therefore lack foundation.

5 15. Plaintiffs object to the Requests to the extent they seek information, or the
6 compilation of data, that may be derived or ascertained from business records, where the burden of
7 deriving or ascertaining the answers thereto is substantially the same for Defendants as for
8 Plaintiffs.

9 16. Plaintiffs objection to or failure to object to any particular Request is not, and shall
10 not be construed as, an admission that responsive information exists.

11 17. Plaintiffs incorporate by reference every General Objection into each and every
12 specific response to the Requests set forth below. A specific response may repeat a General
13 Objection for emphasis or some other reason. The failure to include any General Objection in any
14 specific response shall in no way waive any General Objection to that Request.

15 **OBJECTIONS TO DEFINITIONS**

16 Recognizing that parties generally may define terms as they wish for purposes of their
17 discovery requests, Plaintiffs set forth below objections to Defendants' definitions for the reasons
18 stated, which objections are applicable to each of Plaintiffs' specific objections and responses to
19 the Requests and are incorporated therein.

20 **DEFINITION NO. 1:** "documents or electronically stored information," as used in these
21 Requests for Production are intended to be defined as in Rule 34 and to include any printed,
22 handwritten, recorded, electronically stored or graphic matter of every type and description,
23 however and by whomever made, reproduced or disseminated, in your actual or constructive
24 custody or control.

25 **OBJECTIONS:** Plaintiffs object to this Definition on the grounds that it renders each
26 Request in which it appears vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs
27 further object to this Definition on the grounds that it renders each Request in which it appears as
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1 a Request seeking documents protected by the attorney-client privilege and the attorney work
2 product doctrine.

3 **DEFINITION NO. 2:** “person or entity,” as used in these Requests for Production, are
4 intended to include any individual, corporation, partnership, association, joint venture, estate,
5 trust, or other form of entity, including the parties to this litigation and their officers, agents,
6 employees and representatives.

7 **OBJECTION:** Plaintiffs object to this Definition on the grounds that it renders each
8 Request in which it appears vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs
9 further object to this Definition on the grounds that it renders each Request in which it appears as
10 a Request seeking documents protected by the attorney-client privilege and the attorney work
11 product doctrine.

12 **DEFINITION NO. 3:** “Plaintiffs,” as used herein, includes employees of any Plaintiff
13 clinic, including but not limited to officers, directors, executive directors, medical directors, and/or
14 staff physicians.

15 **OBJECTION:** Plaintiffs object to this Definition on the grounds that it renders each
16 Request in which it appears vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs
17 further object to this Definition on the grounds that it renders each Request in which it appears as
18 a Request seeking documents protected by the attorney-client privilege and the attorney work
19 product doctrine. Plaintiffs object to this Definition on the grounds that it renders each Request in
20 which it appears as seeking documents not in Plaintiffs’ possession, custody, or control.

21 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

22 **REQUEST FOR PRODUCTION NO. 1:**

23 Paragraph 7 of the Plaintiffs’ First Amended Complaint (“FAC”) makes factual allegations
24 stating, “According to expert forensic analysis, Defendants ‘heavily edited the short videos so as
25 to misrepresent statements made by Planned Parenthood’s representatives.’ As a consequence, the
26 experts concluded that the videos ‘cannot be relied upon for any official inquiries’ and ‘also
27 lacked credibility as journalistic products.’”

1 Provide the following documents or electronically stored information:

2 a. A complete copy of this analysis, with all attachments, and any drafts of said
3 analysis;

4 b. All communications concerning the “expert forensic analysis” between Plaintiffs
5 and each person involved in any way in the “expert forensic analysis” or with any person
6 representing or working with each such person, including any proposal or request for such
7 analysis;

8 b.(sic) All statements or reports from each person or entity involved with the “expert
9 forensic analysis” or who was involved in drafting the conclusions listed in Paragraph 7 of the
10 FAC;

11 c. All invoices from or payments to each person or entity involved with the “forensic
12 analysis” or who was involved in drafting the conclusions listed in Paragraph 7 of the FAC; and

13 d. All documents or electronically stored information discussing such invoices or
14 payments.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

16 Plaintiffs incorporate by reference each General Objection and its Objections to
17 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
18 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
19 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
20 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
21 Request to the extent that it seeks documents protected by the attorney-client privilege and the
22 attorney work product doctrine. Plaintiffs further object to this Request to the extent it seeks
23 documents not in their possession, custody, or control.

24 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

25 Plaintiffs will produce a complete copy of the forensic analysis of the videos released by
26 Defendants. Plaintiffs will conduct a search in the files of the following custodians for
27 communications between Plaintiffs and the authors of the forensic analysis about the preparation
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1 of the forensic analysis and invoices or payments from Plaintiffs to the authors of the forensic
2 analysis for drafting the forensic analysis: Vice President For Communications, PPFA; Senior
3 Counsel, Law and Policy, PPFA. Plaintiffs will search these custodians' files for and produce
4 non-privileged communications with the authors of the forensic analysis about the preparation of
5 the forensic analysis, as well as non-privileged documents concerning invoices or payments to the
6 authors of the forensic analysis for drafting the forensic analysis.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 Paragraph 42 of the FAC makes factual allegations concerning "Planned Parenthood's
9 track record for providing safe, high-quality, essential health care to women" Similarly,
10 Paragraph 2 of the FAC makes factual allegations that PPFA "provides professional, high-quality
11 reproductive . . . health care services"

12 From January 1, 2006, through the present, for any of Plaintiffs' facilities or for any PPFA
13 affiliate facility, provide all documents or electronically stored information concerning:

- 14 a. complaints against physicians or healthcare workers;
- 15 b. requests for ambulances or emergency services;
- 16 c. complications requiring hospitalizations involving a service or procedure at any
17 PPFA affiliate facility;
- 18 d. deaths at or arising from a service or procedure at any PPFA affiliate facility;
- 19 e. legal actions against any PPFA affiliate facility or its physicians or healthcare
20 workers before any court of law, involving a service or procedure at any PPFA affiliate facility,
21 including malpractice actions;
- 22 f. actions before bodies regulating medical or healthcare practice, including but not
23 limited to boards of medicine or nursing, involving a service or procedure at any PPFA affiliate
24 facility.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

26 Plaintiffs incorporate by reference each General Objection and its Objections to
27 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
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1 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
2 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
3 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
4 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
5 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
6 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
7 documents protected by the attorney-client privilege and the attorney work product doctrine.
8 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
9 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
10 to the extent that it seeks third-parties' private information that is protected from disclosure
11 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
12 Information Act.

13 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

14 Because this Request is entirely irrelevant to the claims or defenses in this action and
15 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
16 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
17 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
18 Request. *See Kaiser Foundation Hospitals v. Cal. Nurses Ass'n*, 2012 WL 440634 (N.D. Cal.
19 Feb. 10, 2012) ("A party is not entitled to discovery of a factual issue merely because it is alleged
20 in the pleadings. Federal Rule of Civil Procedure 26(b)(1) expressly limits the scope of discovery
21 to 'any nonprivileged matter this [sic] is relevant to any party's claim or defense.');" Fed. R. Civ.
22 P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter *that is relevant to*
23 *any party's claim or defense and proportional to the needs of the case . . .*").

24 **REQUEST FOR PRODUCTION NO. 3:**

25 Paragraph 42 of the FAC makes a factual allegation that "Planned Parenthood's track
26 record for providing safe, high-quality, essential health care to women . . . is unparalleled."
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1 Provide all comparison studies, or other documents or electronically stored information, on which
2 this “unparalleled” statement is based.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

4 Plaintiffs incorporate by reference each General Objection and its Objections to
5 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
6 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
7 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
8 dispute and is disproportionate relative to the needs of the case. Plaintiffs object to this Request to
9 the extent that it seeks Plaintiffs’ information that is confidential, proprietary, private, or financial
10 information. Plaintiffs further object to this Request to the extent that it seeks third-parties’
11 private information that is protected from disclosure pursuant to the U.S. and California
12 Constitutions as well as the HIPAA and the California Medical Information Act.

13 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

14 Because this Request is entirely irrelevant to the claims or defenses in this action and
15 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
16 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
17 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
18 Request. *See Kaiser Foundation Hospitals v. Cal. Nurses Ass’n*, 2012 WL 440634 (N.D. Cal.
19 Feb. 10, 2012) (“A party is not entitled to discovery of a factual issue merely because it is alleged
20 in the pleadings. Federal Rule of Civil Procedure 26(b)(1) expressly limits the scope of discovery
21 to ‘any nonprivileged matter this [sic] is relevant to any party’s claim or defense.’”); Fed. R. Civ.
22 P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter *that is relevant to*
23 *any party’s claim or defense and proportional to the needs of the case . . .*”).

24 **REQUEST FOR PRODUCTION NO. 4:**

25 Paragraph 45 of the FAC makes a factual allegation that PPFA affiliates obtained “the full
26 informed and separately obtained consent of the patient who has chosen to have an abortion”

27 Provide the following, from January 1, 2006, through the present:

a. all such informed consent forms used at each of the Plaintiffs' facilities, or provided, recommended, or utilized by PPFA;

b. all communications, other than attorney-client communications, concerning the creation, drafting, wording, revising, or editing these consent forms;

c. all written policies and procedures at each of the Plaintiffs' facilities concerning obtaining patient consent, including but not limited to all pertinent sections of PPFA's Manual of Medical Standards and Guidelines, including any drafts or outdated versions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Plaintiffs incorporate by reference each General Objection and its Objections to Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. *See Kaiser Foundation Hospitals v. Cal. Nurses Ass’n*, 2012 WL 440634 (N.D. Cal. Feb. 10, 2012) (“A party is not entitled to discovery of a factual issue merely because it is alleged in the pleadings. Federal Rule of Civil Procedure 26(b)(1) expressly limits the scope of discovery to ‘any nonprivileged matter this [sic] is relevant to any party’s claim or defense.’”); Fed. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter *that is relevant to any party’s claim or defense and proportional to the needs of the case . . .*”). Plaintiffs further object to this Request to the extent that it seeks documents protected by the attorney-client privilege and the attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is confidential, proprietary, private, or financial information. Plaintiffs further object to this Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks third-parties’ private information that is protected from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical Information Act.

1 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

2 Plaintiffs agree to conduct a reasonable search for responsive documents to categories (a)
3 and (c) in their possession, custody or control concerning tissue donation. Plaintiffs will produce
4 responsive, non-privileged documents from January 1, 2013 to July 15, 2015. Documents, if any,
5 in any Plaintiff's possession belonging to a non-plaintiff affiliate will not be produced.
6 Documents responsive to RFP 4(b) are not relevant to any claim or defense in this case and
7 therefore Plaintiffs will not search for or produce such documents, if any. *See Fed. R. Civ. P.*
8 *26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any*
9 *party's claim or defense and proportional to the needs of the case").*

10 **REQUEST FOR PRODUCTION NO. 5:**

11 All documents or electronically stored information of any kind concerning the videos
12 released by the Defendants as part of the Human Capital Project, as defined in paragraph 6 of
13 Plaintiffs' Request for Production of Documents #1.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

15 Plaintiffs incorporate by reference each General Objection and its Objections to
16 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
17 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
18 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
19 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
20 Request to the extent that it seeks documents protected by the attorney-client privilege and the
21 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
22 Plaintiffs' information that is confidential, proprietary, private, or financial information.

23 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

24 In addition to the documents to be produced in response to Request No. 1, above, Plaintiffs
25 will conduct a search in the files of the following custodians:

26 From PPFA: Chief Financial Officer; Chief Operating Officer; Chief Information Officer;
27 Assistant Director, Events and Conferences; Senior Manager of Finance and Operations; Director

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1 and Counsel, Health Center Regulatory Strategy, Consortium of Abortion Providers; Senior
2 Medical Advisor for Medical Affairs; National Director, Consortium of Abortion Providers; Dr.
3 Deborah Nucatola;

4 From PPGC/PPCC: Senior Director of Security and Facilities; VP, Medical Services;
5 Medical Director; ASC Administrator; Chief Executive Officer; Melissa Farrell;

6 From PPRM: Vice President/Chief Medical Officer;

7 From PPOSBC: Medical Director;

8 From PPPSGV: Dr. Mary Gatter

9 In those custodians' files, Plaintiffs will search for and produce non-privileged documents
10 evidencing Defendants' fraudulent and illegal efforts attempts to record Plaintiffs and their staff
11 and the harm Plaintiffs' suffered.

12 **REQUEST FOR PRODUCTION NO. 6:**

13 All documents or electronically stored information that supports the contention in
14 Paragraph 4 of the FAC that "there is no financial gain" for any PPFA affiliates involved in tissue
15 donation.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

17 Plaintiffs incorporate by reference each General Objection and its Objections to
18 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
19 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
20 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
21 dispute and is disproportionate relative to the needs of the case. *See Kaiser Foundation Hospitals*
22 *v. Cal. Nurses Ass'n*, 2012 WL 440634 (N.D. Cal. Feb. 10, 2012) ("A party is not entitled to
23 discovery of a factual issue merely because it is alleged in the pleadings. Federal Rule of Civil
24 Procedure 26(b)(1) expressly limits the scope of discovery to 'any nonprivileged matter this [sic]
25 is relevant to any party's claim or defense.'"); Fed. R. Civ. P. 26(b)(1) ("Parties may obtain
26 discovery regarding any nonprivileged matter *that is relevant to any party's claim or defense and*
27 *proportional to the needs of the case . . .*"). Plaintiffs further object to this Request on the

1 grounds that it appears designed solely to harass Plaintiffs and for the improper purpose of
2 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
3 this litigation. Plaintiffs further object to this Request to the extent that it seeks documents
4 protected by the attorney-client privilege and the attorney work product doctrine. Plaintiffs object
5 to this Request to the extent that it seeks Plaintiffs' information that is confidential, proprietary,
6 private, or financial information. Plaintiffs further object to this Request to the extent that it seeks
7 third-parties' private information that is protected from disclosure pursuant to the U.S. and
8 California Constitutions as well as the HIPAA and the California Medical Information Act.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Plaintiffs agree to conduct a reasonable search for responsive documents in the possession,
11 custody or control of those Plaintiff-Affiliates that, anytime in the past five years, had a fetal tissue
12 donation program for which payments were accepted. Plaintiffs will produce responsive, non-
13 privileged documents from January 1, 2013 to July 15, 2015.

14 **REQUEST FOR PRODUCTION NO. 7:**

15 All contracts or agreements, whether or not executed, concerning the involvement of
16 Plaintiffs in providing fetal tissue, specimens, "products of conception," and/or fetal remains from
17 January 1, 2006, through the present to any other person or entity for any reason.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

19 Plaintiffs incorporate by reference each General Objection and its Objections to
20 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
21 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
22 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
23 dispute and is disproportionate relative to the needs of the case. *See Kaiser Foundation Hospitals*
24 *v. Cal. Nurses Ass'n*, 2012 WL 440634 (N.D. Cal. Feb. 10, 2012) ("A party is not entitled to
25 discovery of a factual issue merely because it is alleged in the pleadings. Federal Rule of Civil
26 Procedure 26(b)(1) expressly limits the scope of discovery to 'any nonprivileged matter this [sic]
27 is relevant to any party's claim or defense.'"); Fed. R. Civ. P. 26(b)(1) ("Parties may obtain
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1 discovery regarding any nonprivileged matter *that is relevant to any party's claim or defense and*
2 *proportional to the needs of the case . . .*”). Plaintiffs further object to this Request on the
3 grounds that it appears designed solely to harass Plaintiffs and for the improper purpose of
4 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
5 this litigation. Plaintiffs further object to this Request to the extent that it seeks documents
6 protected by the attorney-client privilege and the attorney work product doctrine. Plaintiffs object
7 to this Request to the extent that it seeks Plaintiffs’ information that is confidential, proprietary,
8 private, or financial information. Plaintiffs further object to this Request to the extent that it seeks
9 third-parties’ private information that is protected from disclosure pursuant to the U.S. and
10 California Constitutions as well as the HIPAA and the California Medical Information Act.
11 Plaintiffs further object that the specified time period in this Request is overbroad, unduly
12 burdensome, and disproportional to the needs of the case.

13 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

14 Plaintiffs agree to conduct a reasonable search for responsive documents in the possession,
15 custody or control of those Plaintiff-Affiliates that, anytime in the past five years, had a fetal tissue
16 donation program for which payments were accepted. Plaintiffs will produce responsive, non-
17 privileged documents from January 1, 2013 to July 15, 2015.

18 **REQUEST FOR PRODUCTION NO. 8:**

19 All of Plaintiffs’ publications, advertisements, websites, documents, or electronically
20 stored information concerning the procurement, or disposition, or donation of fetal tissue,
21 specimens, “products of conception,” and/or fetal remains from January 1, 2006, through the
22 present.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

24 Plaintiffs incorporate by reference each General Objection and its Objections to
25 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
26 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
27 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
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1 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
2 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
3 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
4 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
5 documents protected by the attorney-client privilege and the attorney work product doctrine.
6 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
7 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
8 to the extent that it seeks third-parties' private information that is protected from disclosure
9 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
10 Information Act. Plaintiffs further object that the specified time period in this Request is
11 overbroad, unduly burdensome, and disproportional to the needs of the case.

12 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

13 Because this Request is entirely irrelevant to the claims or defenses in this action and
14 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
15 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
16 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
17 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
18 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
19 *. .*").

20 **REQUEST FOR PRODUCTION NO. 9:**

21 All documents relating to written policies and procedures or any draft or recommended
22 policies or procedures of any of the Plaintiffs concerning the disposal or donation of fetal tissue,
23 specimens, "products of conception," and/or fetal remains from January 1, 2006, through the
24 present, including but not limited to all pertinent sections of PPFA's Manual of Medical Standards
25 and Guidelines.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

2 Plaintiffs incorporate by reference each General Objection and its Objections to
3 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
4 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
5 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
6 dispute and is disproportionate relative to the needs of the case. *See Kaiser Foundation Hospitals*
7 *v. Cal. Nurses Ass’n*, 2012 WL 440634 (N.D. Cal. Feb. 10, 2012) (“A party is not entitled to
8 discovery of a factual issue merely because it is alleged in the pleadings. Federal Rule of Civil
9 Procedure 26(b)(1) expressly limits the scope of discovery to ‘any nonprivileged matter this [sic]
10 is relevant to any party’s claim or defense.’); Fed. R. Civ. P. 26(b)(1) (“Parties may obtain
11 discovery regarding any nonprivileged matter *that is relevant to any party’s claim or defense and*
12 *proportional to the needs of the case . . .*”). Plaintiffs further object to this Request on the
13 grounds that it appears designed solely to harass Plaintiffs and for the improper purpose of
14 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
15 this litigation. Plaintiffs further object to this Request to the extent that it seeks documents
16 protected by the attorney-client privilege and the attorney work product doctrine. Plaintiffs object
17 to this Request to the extent that it seeks Plaintiffs’ information that is confidential, proprietary,
18 private, or financial information. Plaintiffs further object to this Request to the extent that it seeks
19 third-parties’ private information that is protected from disclosure pursuant to the U.S. and
20 California Constitutions as well as the HIPAA and the California Medical Information Act.
21 Plaintiffs further object that the specified time period in this Request is overbroad, unduly
22 burdensome, and disproportional to the needs of the case.

23 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

24 Plaintiffs will produce written policies and procedures of any of the Plaintiffs concerning
25 fetal tissue donation from January 1, 2010 through July 15, 2015.

1 **REQUEST FOR PRODUCTION NO. 10:**

2 All documents or electronically stored information and communications of any kind from
3 January 1, 2006, through the present concerning the use of digoxin or any other feticides in
4 abortion procedures.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

6 Plaintiffs incorporate by reference each General Objection and its Objections to
7 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
8 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
9 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
10 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
11 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
12 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
13 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
14 documents protected by the attorney-client privilege and the attorney work product doctrine.
15 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
16 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
17 to the extent that it seeks third-parties' private information that is protected from disclosure
18 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
19 Information Act. Plaintiffs further object that the specified time period in this Request is
20 overbroad, unduly burdensome, and disproportional to the needs of the case.

21 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

22 Because this Request is entirely irrelevant to the claims or defenses in this action and
23 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
24 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
25 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
26 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
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1 matter *that is relevant to any party's claim or defense and proportional to the needs of the case* . .
2 . .”).

3 **REQUEST FOR PRODUCTION NO. 11:**

4 All documents or electronically stored information produced to any governmental entity
5 since January 1, 2011, in connection with any governmental investigation, including but not
6 limited to investigations by the United States or any state or local government, and including
7 documents or electronically stored information produced as a result of any Congressional
8 subpoena issued by the Select Investigative Panel created on October 7, 2015, and tasked with
9 gathering information and getting the facts about medical practices of abortion service providers
10 and the business practices of fetal tissue procurement organizations (the Select Investigative Panel
11 on Infant Lives), and any documents or electronically stored information produced to the
12 Committee on Energy and Commerce or any members of that Committee.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

14 Plaintiffs incorporate by reference each General Objection and its Objections to
15 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
16 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
17 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
18 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
19 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
20 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
21 outside of this litigation. Plaintiffs object to this Request to the extent that it seeks Plaintiffs'
22 information that is confidential, proprietary, private, or financial information. Plaintiffs further
23 object to this Request to the extent that it seeks third-parties' private information that is protected
24 from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA and the
25 California Medical Information Act. Plaintiffs further object that the specified time period in this
26 Request is overbroad, unduly burdensome, and disproportional to the needs of the case.

27 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

1 Because this Request is entirely irrelevant to the claims or defenses in this action and
2 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
3 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
4 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
5 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
6 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
7 *. .*").

8 **REQUEST FOR PRODUCTION NO. 12:**

9 All documents or electronically stored information regarding the cost of responding to any
10 governmental investigation or inquiry, from January 1, 2011 to July 1 2015, including but not
11 limited to investigations or inquiries by the United States or any state or local government.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 Plaintiffs incorporate by reference each General Objection and its Objections to
14 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
15 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
16 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
17 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
18 Request to the extent that it seeks documents protected by the attorney-client privilege and the
19 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
20 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
21 further object to this Request to the extent that it seeks third-parties' private information that is
22 protected from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA
23 and the California Medical Information Act. Plaintiffs further object that the specified time period
24 in this Request is overbroad, unduly burdensome, and disproportional to the needs of the case.

25 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

26 Because this Request is entirely irrelevant to the claims or defenses in this action and
27 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
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1 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
2 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
3 Request. *See* Fed. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged
4 matter *that is relevant to any party’s claim or defense and proportional to the needs of the case . .*
5 *. .*”).

6 **REQUEST FOR PRODUCTION NO. 13:**

7 All documents or electronically stored information from January 1, 2006, through the
8 present relating to orders or requests or responses to orders or requests for fetal body parts, fetal
9 tissue, specimens, “products of conception,” and/or fetal remains from any person or entity,
10 including universities, hospitals, and fetal procurement companies such as, but not limited to,
11 StemExpress LLC, Advanced Bioscience Resources, Inc. (“ABR”), Novogenix Laboratories,
12 LLC, Da Vinci Biosciences, LLC/DV Biologics, LLC, and/or Tissue BioSource.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

14 Plaintiffs incorporate by reference each General Objection and its Objections to
15 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
16 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
17 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
18 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
19 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
20 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
21 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
22 documents protected by the attorney-client privilege and the attorney work product doctrine.
23 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
24 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
25 to the extent that it seeks third-parties’ private information that is protected from disclosure
26 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
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1 Information Act. Plaintiffs further object that the specified time period in this Request is
2 overbroad, unduly burdensome, and disproportional to the needs of the case.

3 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

4 Because this Request is entirely irrelevant to the claims or defenses in this action and
5 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
6 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
7 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
8 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
9 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . . .*
10 *. . .*").

11 **REQUEST FOR PRODUCTION NO. 14:**

12 All documents or electronically stored information concerning the review of counsel for
13 Planned Parenthood of the Rocky Mountains of a proposed BioMax contract, as described in
14 PPFA's letter to members of Congress dated August 27, 2015.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

16 Plaintiffs incorporate by reference each General Objection and its Objections to
17 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
18 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
19 to this Request to the extent that it seeks documents protected by the attorney-client privilege and
20 the attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
21 Plaintiffs' information that is confidential, proprietary, private, or financial information.

22 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

23 After a reasonable search and diligent inquiry, Plaintiffs will produce nonprivileged
24 documents responsive to this Request.

25 **REQUEST FOR PRODUCTION NO. 15:**

26 All documents or electronically stored information relating or referring to any financial
27 transactions involving fetal tissue between any Plaintiff and any of the following: Colorado State
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1 University, University of Texas, Baylor University Medical Center (Dallas), and/or Amphioxus
2 Cell Technologies.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

4 Plaintiffs incorporate by reference each General Objection and its Objections to
5 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
6 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
7 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
8 dispute and is disproportionate relative to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1)
9 (“Parties may obtain discovery regarding any nonprivileged matter *that is relevant to any party’s*
10 *claim or defense and proportional to the needs of the case . . .*”). Plaintiffs further object to this
11 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
12 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
13 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
14 documents protected by the attorney-client privilege and the attorney work product doctrine.
15 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
16 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
17 to the extent that it seeks third-parties’ private information that is protected from disclosure
18 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
19 Information Act. Plaintiffs further object that the specified time period in this Request is
20 overbroad, unduly burdensome, and disproportional to the needs of the case.

21 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

22 To the extent any documents exist, such documents either do not concern fetal tissue
23 donation programs or concern programs that ended over eight years ago and therefore have no
24 relevance to the instant lawsuit. Plaintiffs’ contract with the Colorado State University did not
25 concern fetal tissue and therefore is irrelevant to any issue in this lawsuit. Plaintiffs’ relationship
26 with Amphioxus Cell Technologies ended in 2008 and is of no relevance to any claim or defense
27 in this case. For all of the above reasons, Plaintiffs will not search for and will not produce any
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1 documents in response to this Request. See Fed. R. Civ. P. 26(b)(1) (“Parties may obtain
2 discovery regarding any nonprivileged matter *that is relevant to any party’s claim or defense and*
3 *proportional to the needs of the case . . .*”).

4 **REQUEST FOR PRODUCTION NO. 16:**

5 All documents or electronically stored information concerning the Human Capital Project
6 (as defined in paragraph 6 of Plaintiffs’ Request for Production of Documents #1).

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

8 Plaintiffs incorporate by reference each General Objection and its Objections to
9 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
10 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
11 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
12 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
13 Request to the extent that it seeks documents protected by the attorney-client privilege and the
14 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
15 Plaintiffs’ information that is confidential, proprietary, private, or financial information. Plaintiffs
16 further object to this Request on the grounds that it is duplicative of Request No. 5.

17 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

18 Plaintiffs refer Defendants to their response to Request No. 5.

19 **REQUEST FOR PRODUCTION NO. 17:**

20 All documents or electronically stored information concerning any per specimen
21 compensation for any fetal body parts, fetal tissue, specimens, “products of conception,” and/or
22 fetal remains from January 1, 2006, to present.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

24 Plaintiffs incorporate by reference each General Objection and its Objections to
25 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
26 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
27 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the

1 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
2 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
3 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
4 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
5 documents protected by the attorney-client privilege and the attorney work product doctrine.
6 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
7 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
8 to the extent that it seeks third-parties' private information that is protected from disclosure
9 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
10 Information Act. Plaintiffs further object that the specified time period in this Request is
11 overbroad, unduly burdensome, and disproportional to the needs of the case.

12 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

13 Plaintiffs will conduct a search in the following custodians' files: Dr. Deborah Nucatola;
14 Dr. Mary Gatter; Medical Director, PPGC and PPCFC; Melissa Farrell; Vice President/Chief
15 Medical Officer, PPRM; Director and Counsel, Health Center Regulatory Strategy, Consortium of
16 Abortion Providers, PPFA. In these custodians' files, Plaintiffs will search for and produce
17 documents or electronically stored information regarding offers by Defendants to compensate for
18 specimen procurement.

19 **REQUEST FOR PRODUCTION NO. 18:**

20 All documents or electronically stored information indicating or related to monies received
21 from any fetal procurement person or entity such as, but not limited to, universities, hospitals,
22 StemExpress LLC, ABR, Novogenix Laboratories, LLC, Da Vinci Biosciences, LLC/DV
23 Biologics, LLC, and/or Tissue BioSource.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

25 Plaintiffs incorporate by reference each General Objection and its Objections to
26 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
27 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
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1 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
2 dispute and is disproportionate relative to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1)
3 (“Parties may obtain discovery regarding any nonprivileged matter *that is relevant to any party’s*
4 *claim or defense and proportional to the needs of the case . . .*”). Plaintiffs further object to this
5 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
6 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
7 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
8 documents protected by the attorney-client privilege and the attorney work product doctrine.
9 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
10 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
11 to the extent that it seeks third-parties’ private information that is protected from disclosure
12 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
13 Information Act. Plaintiffs further object that the specified time period in this Request is
14 overbroad, unduly burdensome, and disproportional to the needs of the case.

15 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:
16 Plaintiffs agree to conduct a reasonable search for responsive documents in the possession,
17 custody or control of those Plaintiff-Affiliates that, anytime in the past five years, had a fetal tissue
18 donation program for which payments were accepted to cover expenses related to such program.
19 Plaintiffs will produce responsive, non-privileged documents from January 1, 2013 to July 15,
20 2015.

21 **REQUEST FOR PRODUCTION NO. 19:**

22 All documents or electronically stored information that reflect invoices, accounts payable,
23 and/or funds received from entities in relation to the providing of fetal tissue, specimens,
24 “products of conception,” and/or fetal remains, from January 1, 2006, through the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

26 Plaintiffs incorporate by reference each General Objection and its Objections to
27 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
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1 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
2 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
3 dispute and is disproportionate relative to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1)
4 (“Parties may obtain discovery regarding any nonprivileged matter *that is relevant to any party’s*
5 *claim or defense and proportional to the needs of the case . . .*”). Plaintiffs further object to this
6 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
7 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
8 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
9 documents protected by the attorney-client privilege and the attorney work product doctrine.
10 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
11 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
12 to the extent that it seeks third-parties’ private information that is protected from disclosure
13 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
14 Information Act. Plaintiffs further object that the specified time period in this Request is
15 overbroad, unduly burdensome, and disproportional to the needs of the case.

16 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows: See
17 Response to Request No. 18.

18 **REQUEST FOR PRODUCTION NO. 20:**

19 All documents or electronically stored information containing the term “intact” or “in-
20 tact.”

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

22 Plaintiffs incorporate by reference each General Objection and its Objections to
23 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
24 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
25 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
26 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
27 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
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1 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
2 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
3 documents protected by the attorney-client privilege and the attorney work product doctrine.
4 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
5 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
6 to the extent that it seeks third-parties’ private information that is protected from disclosure
7 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
8 Information Act. Plaintiffs further object that the specified time period in this Request is
9 overbroad, unduly burdensome, and disproportional to the needs of the case.

10 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

11 Because this Request is entirely irrelevant to the claims or defenses in this action and
12 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
13 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
14 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
15 Request. *See Fed. R. Civ. P. 26(b)(1)* (“Parties may obtain discovery regarding any nonprivileged
16 matter *that is relevant to any party’s claim or defense and proportional to the needs of the case . .*
17 *. .*”).

18 **REQUEST FOR PRODUCTION NO. 21:**

19 All documents or electronically stored information containing the term “complete POC.”

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

21 Plaintiffs incorporate by reference each General Objection and its Objections to
22 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
23 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
24 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
25 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
26 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
27 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
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1 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
2 documents protected by the attorney-client privilege and the attorney work product doctrine.
3 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
4 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
5 to the extent that it seeks third-parties' private information that is protected from disclosure
6 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
7 Information Act. Plaintiffs further object that the specified time period in this Request is
8 overbroad, unduly burdensome, and disproportional to the needs of the case.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Because this Request is entirely irrelevant to the claims or defenses in this action and
11 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
12 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
13 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
14 Request. *See Fed. R. Civ. P. 26(b)(1)* ("Parties may obtain discovery regarding any nonprivileged
15 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
16 *. .*").

17 **REQUEST FOR PRODUCTION NO. 22:**

18 All documents or electronically stored information containing the term "complete" within
19 the same document as "fetus" or "embryo."

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

21 Plaintiffs incorporate by reference each General Objection and its Objections to
22 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
23 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
24 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
25 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
26 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
27 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
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1 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
2 documents protected by the attorney-client privilege and the attorney work product doctrine.
3 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
4 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
5 to the extent that it seeks third-parties' private information that is protected from disclosure
6 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
7 Information Act. Plaintiffs further object that the specified time period in this Request is
8 overbroad, unduly burdensome, and disproportional to the needs of the case.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Because this Request is entirely irrelevant to the claims or defenses in this action and
11 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
12 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
13 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
14 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
15 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
16 *. .*").

17 **REQUEST FOR PRODUCTION NO. 23:**

18 All documents or electronically stored information regarding Plaintiffs modifying abortion
19 procedures in order to facilitate the donation of fetal tissue.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

21 Plaintiffs incorporate by reference each General Objection and its Objections to
22 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
23 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
24 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
25 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
26 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
27 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
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1 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
2 documents protected by the attorney-client privilege and the attorney work product doctrine.
3 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
4 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
5 to the extent that it seeks third-parties' private information that is protected from disclosure
6 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
7 Information Act. Plaintiffs further object that the specified time period in this Request is
8 overbroad, unduly burdensome, and disproportional to the needs of the case.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Because this Request is entirely irrelevant to the claims or defenses in this action and
11 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
12 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
13 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
14 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
15 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
16 *. .*").

17 **REQUEST FOR PRODUCTION NO. 24:**

18 All documents or electronically stored information regarding inadvertent live births at
19 Plaintiffs' facilities in the course of or following abortion procedures.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

21 Plaintiffs incorporate by reference each General Objection and its Objections to
22 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
23 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
24 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
25 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
26 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
27 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
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1 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
2 documents protected by the attorney-client privilege and the attorney work product doctrine.
3 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
4 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
5 to the extent that it seeks third-parties' private information that is protected from disclosure
6 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
7 Information Act. Plaintiffs further object that the specified time period in this Request is
8 overbroad, unduly burdensome, and disproportional to the needs of the case.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Because this Request is entirely irrelevant to the claims or defenses in this action and
11 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
12 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
13 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
14 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
15 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
16 *. .*").

17 **REQUEST FOR PRODUCTION NO. 25:**

18 All documents or electronically stored information regarding the procurement of fetal
19 tissue from patients following inadvertent live births at Plaintiffs' facilities in the course or
20 following abortion procedures [sic]

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

22 Plaintiffs incorporate by reference each General Objection and its Objections to
23 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
24 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
25 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
26 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
27 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
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1 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
2 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
3 documents protected by the attorney-client privilege and the attorney work product doctrine.
4 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
5 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
6 to the extent that it seeks third-parties’ private information that is protected from disclosure
7 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
8 Information Act. Plaintiffs further object that the specified time period in this Request is
9 overbroad, unduly burdensome, and disproportional to the needs of the case.

10 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

11 Because this Request is entirely irrelevant to the claims or defenses in this action and
12 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
13 obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of
14 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
15 Request. *See* Fed. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged
16 matter *that is relevant to any party’s claim or defense and proportional to the needs of the case . .*
17 *. .*”).

18 **REQUEST FOR PRODUCTION NO. 26:**

19 All documents or electronically stored information concerning fetal tissue, specimens,
20 “products of conception,” and/or fetal remains sent to or received from universities, hospitals,
21 StemExpress LLC, ABR, Novogenix Laboratories, LLC, Da Vinci Biosciences, LLC/DV
22 Biologics, LLC, and/or Tissue BioSource.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

24 Plaintiffs incorporate by reference each General Objection and its Objections to
25 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
26 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
27 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
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1 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
2 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
3 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
4 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
5 documents protected by the attorney-client privilege and the attorney work product doctrine.
6 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
7 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
8 to the extent that it seeks third-parties' private information that is protected from disclosure
9 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
10 Information Act. Plaintiffs further object that the specified time period in this Request is
11 overbroad, unduly burdensome, and disproportional to the needs of the case. Plaintiffs further
12 object to this Request on the grounds that it seeks documents not in their possession, custody or
13 control.

14 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

15 Because this Request is entirely irrelevant to the claims or defenses in this action and
16 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
17 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
18 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
19 Request. *See Fed. R. Civ. P. 26(b)(1)* ("Parties may obtain discovery regarding any nonprivileged
20 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
21 *. .*").

22 **REQUEST FOR PRODUCTION NO. 27:**

23 All documents or electronically stored information concerning any attempt by
24 StemExpress, LLC, or ABR to collaborate with, or be approved by, PPFA or any PPFA affiliate
25 for fetal tissue procurement.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

2 Plaintiffs incorporate by reference each General Objection and its Objections to
3 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
4 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
5 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
6 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
7 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
8 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
9 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
10 documents protected by the attorney-client privilege and the attorney work product doctrine.
11 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
12 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
13 to the extent that it seeks third-parties' private information that is protected from disclosure
14 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
15 Information Act. Plaintiffs further object that the specified time period in this Request is
16 overbroad, unduly burdensome, and disproportional to the needs of the case.

17 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

18 Because this Request is entirely irrelevant to the claims or defenses in this action and
19 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
20 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
21 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
22 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
23 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
24 *. .*").

25 **REQUEST FOR PRODUCTION NO. 28:**

26 All documents or electronically stored information concerning the costs to any PPFA
27 affiliate of transporting, processing, preserving, engaging in quality control, and storing fetal
28

1 tissue, specimens, “products of conception,” and/or fetal remains from January 1, 2006, through
2 the present.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

4 Plaintiffs incorporate by reference each General Objection and its Objections to
5 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
6 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
7 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
8 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
9 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
10 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
11 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
12 documents protected by the attorney-client privilege and the attorney work product doctrine.
13 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
14 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
15 to the extent that it seeks third-parties’ private information that is protected from disclosure
16 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
17 Information Act. Plaintiffs further object that the specified time period in this Request is
18 overbroad, unduly burdensome, and disproportional to the needs of the case.

19 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

20 Plaintiffs agree to conduct a reasonable search for responsive documents in the possession,
21 custody or control of those Plaintiff-Affiliates that, anytime in the past five years, had a fetal tissue
22 donation program for which payments were accepted to cover expenses related to such program.
23 Plaintiffs will produce responsive, non-privileged documents from January 1, 2013 to July 15,
24 2015.

1 **REQUEST FOR PRODUCTION NO. 29:**

2 All documents or electronically stored information concerning the costs to any PPFA
3 affiliate in facilitating the donation of fetal tissue, specimens, “products of conception,” and/or
4 fetal remains from January 1, 2006, through the present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

6 Plaintiffs incorporate by reference each General Objection and its Objections to
7 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
8 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
9 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
10 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
11 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
12 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood
13 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
14 documents protected by the attorney-client privilege and the attorney work product doctrine.
15 Plaintiffs object to this Request to the extent that it seeks Plaintiffs’ information that is
16 confidential, proprietary, private, or financial information. Plaintiffs further object to this Request
17 to the extent that it seeks third-parties’ private information that is protected from disclosure
18 pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical
19 Information Act. Plaintiffs further object that the specified time period in this Request is
20 overbroad, unduly burdensome, and disproportional to the needs of the case.

21 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

22 See Response to Request No. 28.

23 **REQUEST FOR PRODUCTION NO. 30:**

24 All annual profit and loss statements from any PPFA affiliate from January 1, 2006,
25 through the present.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

2 Plaintiffs incorporate by reference each General Objection and its Objections to
3 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
4 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
5 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
6 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
7 Request to the extent that it seeks documents protected by the attorney-client privilege and the
8 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
9 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
10 further object to this Request to the extent that it seeks third-parties' private information that is
11 protected from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA
12 and the California Medical Information Act. Plaintiffs further object that the specified time period
13 in this Request is overbroad, unduly burdensome, and disproportional to the needs of the case.
14 Plaintiffs further object to this Request on the grounds that it seeks documents not in their
15 possession, custody or control. Plaintiffs further object on the grounds that this Request lacks
16 foundation.

17 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

18 Plaintiffs will conduct a search in the following custodians' files: Chief Financial Officers
19 of each Plaintiff. In these custodians' files, Plaintiffs will search for and produce non-privileged
20 documents reflecting the expenses they have incurred as a result of Defendants' conduct.

21 **REQUEST FOR PRODUCTION NO. 31:**

22 All documents or electronically stored information concerning:

- 23 a. David Daleiden,
- 24 b. Robert Sarkis,
- 25 c. Troy Newman,
- 26 d. Albin Rhomberg,
- 27 e. Philip Cronin,

- f. Sandra Susan Merritt,
- g. Susan Tennenbaum,
- h. Gerardo Adrian Lopez,
- i. Brianna Allen, and/or
- j. Rebecca Wagner.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Plaintiffs incorporate by reference each General Objection and its Objections to Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this Request to the extent that it seeks documents protected by the attorney-client privilege and the attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs further object to this Request to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA and the California Medical Information Act. Plaintiffs further object that the specified time period in this Request is overbroad, unduly burdensome, and disproportional to the needs of the case.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Plaintiffs will conduct a search in the files of the following custodians for files created between January 1, 2011 and the date of service of this Request:

The appropriate security officer(s) for each Plaintiff;

From PPFA: Chief Operating Officer; Chief Information Officer; Assistant Director, Events and Conferences; Senior Manager of Finance and Operations; Director and Counsel, Health Center Regulatory Strategy, Consortium of Abortion Providers; Senior Medical Advisor for Medical Affairs; National Director, Consortium of Abortion Providers; Dr. Deborah Nucatola

1 From PPGC/PPCC: VP, Medical Services; Medical Director; ASC Administrator; Chief
2 Executive Officer; Melissa Farrell;

3 From PPRM: Vice President/Chief Medical Officer;

4 From PPPSGV: Dr. Mary Gatter

5 In these custodians' files, Plaintiffs will search for and produce all non-privileged
6 documents that include the names listed in this Request and that evidence Defendants' fraudulent
7 and illegal attempts to record Plaintiffs and their staff and the harm Plaintiffs suffered.

8 **REQUEST FOR PRODUCTION NO. 32:**

9 All documents or electronically stored information concerning investigations or
10 surveillance of any of the Defendants, including any communications with anyone involved in
11 investigating or surveilling any Defendant.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

13 Plaintiffs incorporate by reference each General Objection and its Objections to
14 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
15 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
16 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
17 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
18 Request to the extent that it seeks documents protected by the attorney-client privilege and the
19 attorney work product doctrine. Plaintiffs further object to this Request to the extent that it seeks
20 documents subject to protective orders. Plaintiffs object to this Request to the extent that it seeks
21 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
22 further object that the unspecified time period in this Request renders it overbroad, unduly
23 burdensome, and disproportional to the needs of the case. Plaintiffs further object to this Request
24 to the extent it seeks information protected by the law enforcement privilege.

25 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

26 Plaintiffs will conduct a search in the following custodians' files: the appropriate security
27 officer(s) at each Plaintiff; Assistant Director, Events and Conferences; Senior Manager of
28

1 Finance and Operations. In these custodians' files, Plaintiffs will search for and produce non-
2 privileged documents regarding investigations by local, state, or federal agencies of Defendants
3 about Defendants' surreptitious videotaping of Plaintiffs and their staff and the release of
4 fraudulently and illegally obtained videos from those surreptitious recordings.

5 **REQUEST FOR PRODUCTION NO. 33:**

6 All communications by or among any of the Plaintiffs regarding videotaping or otherwise
7 recording attendees, meetings, or sessions at any PPFA Conference.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

9 Plaintiffs incorporate by reference each General Objection and its Objections to
10 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
11 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
12 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
13 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
14 Request to the extent that it seeks documents protected by the attorney-client privilege and the
15 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
16 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
17 further object that the specified time period in this Request is overbroad, unduly burdensome, and
18 disproportional to the needs of the case.

19 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

20 Plaintiffs will conduct a search in the following custodians' files: PPFA Assistant Director,
21 Events and Conferences; Senior Manager of Finance and Operations; Assistant Director,
22 Experience Design & Special Events. In these custodians' files, Plaintiffs will search for and
23 produce non-privileged communications regarding recordings at PPFA conferences in Miami in
24 October 2014, in Orlando in late February/early March 2015, and in Washington D.C. in March
25 2015.

1 **REQUEST FOR PRODUCTION NO. 34:**

2 All communications by or among any of the Plaintiffs regarding videotaping or otherwise
3 recording attendees, meetings, or sessions at any NAF Annual Meeting.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

5 Plaintiffs incorporate by reference each General Objection and its Objections to
6 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
7 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
8 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
9 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
10 Request to the extent that it seeks documents protected by the attorney-client privilege and the
11 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
12 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
13 further object that the specified time period in this Request is overbroad, unduly burdensome, and
14 disproportional to the needs of the case.

15 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

16 Plaintiffs will conduct a search in the following custodians' files: PPFA Assistant Director,
17 Events and Conferences; Senior Manager of Finance and Operations; Assistant Director,
18 Experience Design & Special Events. In these custodians' files, Plaintiffs will search for and
19 produce non-privileged communications regarding recordings at the NAF conference in San
20 Francisco in April 2014 and the NAF Conference in Baltimore in April 2015.

21 **REQUEST FOR PRODUCTION NO. 35:**

22 All recordings made by PPFA or any PPFA affiliate at any PPFA conference concerning
23 procurement, or disposition, or donation of fetal tissue, specimens, "products of conception,"
24 and/or fetal remains from January 1, 2006, through the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

26 Plaintiffs incorporate by reference each General Objection and its Objections to
27 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
28

1 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
2 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
3 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
4 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
5 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
6 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
7 documents protected by the attorney-client privilege and the attorney work product doctrine.
8 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
9 confidential, proprietary, private, or financial information. Plaintiffs further object that the
10 specified time period in this Request is overbroad, unduly burdensome, and disproportional to the
11 needs of the case.

12 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

13 Because this Request is entirely irrelevant to the claims or defenses in this action and
14 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
15 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
16 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
17 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
18 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
19 *. .*").

20 **REQUEST FOR PRODUCTION NO. 36:**

21 All documents or electronically stored information, recordings, or tangible things that any
22 Plaintiff obtained at the Reproductive Health Professionals Conference concerning procurement,
23 or disposition, or donation of fetal tissue, specimens, "products of conception," and/or fetal
24 remains from January 1, 2006, through the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

26 Plaintiffs incorporate by reference each General Objection and its Objections to
27 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
28

1 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
2 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
3 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
4 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
5 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
6 outside of this litigation. Plaintiffs further object that the specified time period in this Request is
7 overbroad, unduly burdensome, and disproportional to the needs of the case.

8 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

9 Because this Request is entirely irrelevant to the claims or defenses in this action and
10 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
11 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
12 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
13 Request. *See Fed. R. Civ. P. 26(b)(1)* ("Parties may obtain discovery regarding any nonprivileged
14 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
15 *. .*").

16 **REQUEST FOR PRODUCTION NO. 37:**

17 All communications by or among any of the Plaintiffs regarding investigation, actual or
18 potential, of any PPFA affiliate, by any state or federal authority.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

20 Plaintiffs incorporate by reference each General Objection and its Objections to
21 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
22 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
23 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
24 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
25 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
26 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
27 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
28

1 documents protected by the attorney-client privilege and the attorney work product doctrine.
2 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
3 confidential, proprietary, private, or financial information. Plaintiffs further object that the
4 unspecified time period in this Request renders it overbroad, unduly burdensome, and
5 disproportional to the needs of the case.

6 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

7 Plaintiffs will conduct a search in the following custodians' files: the Chief Financial
8 Officers of each Plaintiff. In these custodians' files, Plaintiffs will search for and produce non-
9 privileged communications reflecting the costs of federal and/or state investigations precipitated
10 by Defendants' conduct.

11 **REQUEST FOR PRODUCTION NO. 38:**

12 All documents or electronically stored information concerning communications between
13 Plaintiffs and the California Department of Justice or the Office of the Attorney General
14 concerning any of the Defendants.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

16 Plaintiffs incorporate by reference each General Objection and its Objections to
17 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
18 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
19 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
20 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
21 Request to the extent that it seeks documents protected by the attorney-client privilege and the
22 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
23 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
24 further object to this Request to the extent it seeks information protected by the law enforcement
25 privilege.

26 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:
27
28

1 Plaintiffs believe that all communications with the California Department of Justice or the
2 Office of the Attorney General concerning any of the Defendants are governed by the law
3 enforcement privilege.

4 **REQUEST FOR PRODUCTION NO. 39:**

5 All documents and communications, including reports to law enforcement, concerning
6 property damage Plaintiffs or any PPFA affiliate has suffered from January 1, 2011, through the
7 present.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

9 Plaintiffs incorporate by reference each General Objection and its Objections to
10 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
11 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
12 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
13 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
14 Request to the extent that it seeks documents protected by the attorney-client privilege and the
15 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
16 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
17 further object that the specified time period in this Request is overbroad, unduly burdensome, and
18 disproportional to the needs of the case.

19 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

20 Plaintiffs will conduct a search in the following custodians' files: the appropriate security
21 officer(s) for each Plaintiff.. In these custodians' files, Plaintiffs will search for and produce non-
22 privileged documents regarding property damage Plaintiffs' have suffered from Defendants'
23 conduct. Plaintiffs will also search for and produce non-privileged documents evidencing
24 Plaintiffs' costs relating to said property damage.

1 **REQUEST FOR PRODUCTION NO. 40:**

2 All documents and communications, including reports to law enforcement, concerning acts
3 of violence against Plaintiffs' or any PPFA affiliate's doctors or staff from January 1, 2011,
4 through the present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

6 Plaintiffs incorporate by reference each General Objection and its Objections to
7 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
8 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
9 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
10 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
11 Request to the extent that it seeks documents protected by the attorney-client privilege and the
12 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
13 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
14 further object to this Request to the extent that it seeks third-parties' private information that is
15 protected from disclosure pursuant to the U.S. and California Constitutions. Plaintiffs further
16 object that the specified time period in this Request is overbroad, unduly burdensome, and
17 disproportional to the needs of the case.

18 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

19 Plaintiffs will conduct a search in the following custodians' files: the appropriate security
20 officer(s) for each Plaintiff. In these custodians' files, Plaintiffs will search for and produce non-
21 privileged documents regarding acts of violence against Plaintiffs' doctors and staff resulting from
22 Defendants' conduct. Plaintiffs will also search for and produce non-privileged documents
23 evidencing Plaintiffs' costs relating to said acts of violence.

24 **REQUEST FOR PRODUCTION NO. 41:**

25 All documents and communications, including reports to law enforcement, concerning
26 threats to Plaintiffs' or any PPFA affiliate's doctors or staff from January 1, 2011, through the
27 present.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

2 Plaintiffs incorporate by reference each General Objection and its Objections to
3 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
4 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
5 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
6 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
7 Request to the extent that it seeks documents protected by the attorney-client privilege and the
8 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
9 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
10 further object to this Request to the extent that it seeks third-parties' private information that is
11 protected from disclosure pursuant to the U.S. and California Constitutions. Plaintiffs further
12 object that the specified time period in this Request is overbroad, unduly burdensome, and
13 disproportional to the needs of the case.

14 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

15 Plaintiffs will conduct a search in the following custodians' files: the appropriate security
16 officer(s) for each Plaintiff. In these custodians' files, Plaintiffs will search for and produce non-
17 privileged documents regarding threats against Plaintiffs' doctors and staff resulting from
18 Defendants' conduct. Plaintiffs will also search for and produce non-privileged documents
19 evidencing Plaintiffs' costs relating to said threats.

20 **REQUEST FOR PRODUCTION NO. 42:**

21 All HotSpot Reports and all documents relating or referring to compilation of any HotSpot
22 report from January 1, 2011, through the present.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

24 Plaintiffs incorporate by reference each General Objection and its Objections to
25 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
26 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
27 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
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1 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
2 Request to the extent that it seeks documents protected by the attorney-client privilege and the
3 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
4 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
5 further object that the specified time period in this Request is overbroad, unduly burdensome, and
6 disproportional to the needs of the case.

7 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

8 Plaintiffs will conduct a search in the following custodians' files: security officials at
9 PPFA responsible for the HotSpots reporting. In these custodians' files, Plaintiffs will search for
10 and produce all non-privileged Hot Spot reports that include any of the Plaintiff-Affiliates that
11 were created between July 15, 2014 and the date of service of these Requests.

12 **REQUEST FOR PRODUCTION NO. 43:**

13 All written or recorded statements of any person or entity concerning the matters at issue in
14 this case (including all claims, defenses, and damages asserted in the pleadings that have not been
15 previously requested.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

17 Plaintiffs incorporate by reference each General Objection and its Objections to
18 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
19 grounds that it is vague, ambiguous, hopelessly overbroad, and unduly burdensome. Plaintiffs
20 further object to this Request on the grounds that it seeks documents not relevant to any claims or
21 defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiffs further
22 object to this Request to the extent that it seeks documents protected by the attorney-client
23 privilege and the attorney work product doctrine. Plaintiffs object to this Request to the extent
24 that it seeks Plaintiffs' information that is confidential, proprietary, private, or financial
25 information. Plaintiffs further object to this Request on the grounds that it seeks documents not in
26 their possession, custody or control.

27 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

1 This request is so vague, ambiguous, and overbroad that Plaintiffs cannot determine what
2 constitutes responsive documents and therefore cannot respond. Plaintiffs will meet and confer
3 with Defendants to clarify and narrow the scope of this Request.

4 **REQUEST FOR PRODUCTION NO. 44:**

5 All documents or electronically stored information described under “11. Documents or
6 electronically stored information and Things” in Plaintiffs’ Initial Disclosures, dated March 25,
7 2016, that have not been previously requested.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

9 Plaintiffs incorporate by reference each General Objection and its Objections to
10 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
11 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs object to this
12 Request to the extent that it seeks Plaintiffs’ information that is confidential, proprietary, private,
13 or financial information. Plaintiffs further object to this Request to the extent that it seeks third-
14 parties’ private information that is protected from disclosure pursuant to the U.S. and California
15 Constitutions as well as the HIPAA and the California Medical Information Act.

16 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

17 Plaintiffs will produce documents and electronically stored information that they intend to
18 rely on to support their claims.

19 **REQUEST FOR PRODUCTION NO. 45:**

20 All documents or electronically stored information supporting the Plaintiffs’ description of
21 its alleged damages, as described in “III. Damages” in Plaintiffs’ Initial Disclosures, dated
22 March 25, 2016, that have not been previously requested.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

24 Plaintiffs incorporate by reference each General Objection and its Objections to
25 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
26 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs object to this
27 Request to the extent that it seeks Plaintiffs’ information that is confidential, proprietary, private,
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1 or financial information. Plaintiffs further object to this Request to the extent that it seeks third-
2 parties' private information that is protected from disclosure pursuant to the U.S. and California
3 Constitutions as well as the HIPAA and the California Medical Information Act.

4 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

5 Plaintiffs will produce documents and electronically stored information that they intend to
6 rely on to support their damages claims.

7 **REQUEST FOR PRODUCTION NO. 46:**

8 All documents or electronically stored information concerning meetings, conversations or
9 other communications about the incidents, matters or damages involved in this lawsuit, that have
10 not been previously requested.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

12 Plaintiffs incorporate by reference each General Objection and its Objections to
13 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
14 grounds that it is vague, ambiguous, hopelessly overbroad, and unduly burdensome. Plaintiffs
15 further object to this Request on the grounds that it seeks documents not relevant to any claims or
16 defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiffs further
17 object to this Request to the extent that it seeks documents protected by the attorney-client
18 privilege and the attorney work product doctrine. Plaintiffs object to this Request to the extent
19 that it seeks Plaintiffs' information that is confidential, proprietary, private, or financial
20 information. Plaintiffs further object to this Request to the extent that it seeks third-parties'
21 private information that is protected from disclosure pursuant to the U.S. and California
22 Constitutions.

23 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

24 Plaintiffs refer Defendants to their responses to Requests Nos. 1, 5, 16, 31, 39, 40, 41, 43,
25 44, 45. Plaintiffs will not search for or produce any additional documents in response to this
26 Request.

1 **REQUEST FOR PRODUCTION NO. 47:**

2 The resume/curriculum vitae of each person whom you intend to call as an expert witness
3 at the trial of this action.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

5 Plaintiffs incorporate by reference each General Objection and its Objections to
6 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
7 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs object that this
8 Request is premature. Plaintiffs further object to this Request on the grounds that it seeks to
9 impose obligations in excess of Plaintiffs' requirements under Fed. R. Civ. P. 26(a)(2) and the
10 Court's Scheduling Order in this case.

11 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

12 Plaintiffs will produce any information about any potential expert witnesses at the time
13 required under Fed. R. Civ. P. 26(a)(2) and the Scheduling Order in this case.

14 **REQUEST FOR PRODUCTION NO. 48:**

15 All documents or electronically stored information relating to compliance with the federal
16 Partial Birth Abortion Ban Act of 2003 (18 U.S.C. § 1531) including but not limited to protocols
17 or forms for documenting compliance with the federal law and documenting the provider's intent
18 when performing an abortion procedure.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

20 Plaintiffs incorporate by reference each General Objection and its Objections to
21 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
22 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
23 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
24 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
25 Request to the extent that it seeks documents protected by the attorney-client privilege and the
26 attorney work product doctrine. Plaintiffs object to this Request to the extent that it seeks
27 Plaintiffs' information that is confidential, proprietary, private, or financial information. Plaintiffs
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1 further object to this Request to the extent that it seeks third-parties' private information that is
2 protected from disclosure pursuant to the U.S. and California Constitutions as well as the HIPAA
3 and the California Medical Information Act. Plaintiffs further object that the unspecified time
4 period in this Request renders it overbroad, unduly burdensome, and disproportional to the needs
5 of the case.

6 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

7 Because this Request is entirely irrelevant to the claims or defenses in this action and
8 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
9 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
10 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
11 Request. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
12 matter *that is relevant to any party's claim or defense and proportional to the needs of the case . .*
13 *. .*").

14 **REQUEST FOR PRODUCTION NO. 49:**

15 All recordings made by PPFA or any PPFA affiliate at any PPFA conference referenced in
16 the First Amendment [sic] Complaint.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

18 Plaintiffs incorporate by reference each General Objection and its Objections to
19 Definitions into its Specific Objections to this Request. Plaintiffs object to this Request on the
20 grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Plaintiffs further object
21 to this Request on the grounds that it seeks documents not relevant to any claims or defenses in the
22 dispute and is disproportionate relative to the needs of the case. Plaintiffs further object to this
23 Request on the grounds that it appears designed solely to harass Plaintiffs and for the improper
24 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood
25 outside of this litigation. Plaintiffs further object to this Request to the extent that it seeks
26 documents protected by the attorney-client privilege and the attorney work product doctrine.
27 Plaintiffs object to this Request to the extent that it seeks Plaintiffs' information that is
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1 confidential, proprietary, private, or financial information. Plaintiffs further object that the
2 specified time period in this Request is overbroad, unduly burdensome, and disproportional to the
3 needs of the case. Plaintiffs further object to this Request to the extent it is duplicative of Request
4 No. 35.

5 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

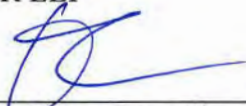
6 Because this Request is entirely irrelevant to the claims or defenses in this action and
7 because this Request is designed solely to harass Plaintiffs and for the improper purpose of
8 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of
9 this litigation, Plaintiffs will not search for and will not produce any documents in response to this
10 Request. See Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged
11 matter that is relevant to any party's claim or defense and proportional to the needs of the case . . .
12 .").

13
14 DATED: September 30, 2016

Respectfully submitted,

ARNOLD & PORTER LLP

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16 By: _____


Erica Connolly

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18 Attorneys for Plaintiffs
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